Justice Dept. Officials Consider Asking New Probe of King Murder

BY WILLIAM CHAPMAN

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Washington — Justice Department officials are thinking about recommending that an independent or special prosecution staff be appointed to reopen an investigation into the assassination of the Rev. Martin Luther King Jr.

A department source said these or other mechanisms for reviewing the case may be recommended as an outgrowth of a review now under way in the department's Civil Rights Division.

In Chicago, Sen. Frank Church, D-Idaho, chairman of the Senate Intelligence Committee, called for a federal special prosecutor to investigate the 1968 murder of King, in order to resolve "many unanswered questions," including whether the FBI's "vendetta" against King was related to his murder in Memphis.

Church said his committee had uncovered no evidence that the FBI was implicated in the murder or any cover-up but that it was necessary "not only to investigate the role of the bureau but everyone else's role that the evidence might lead to" in light of his committee's exposure of the FBI harassment of King.

The current Justice Department review, the source said, is approximately one-fourth finished and also so far has produced no evidence that the original FBI investigation of King's slaying was deficient.

However, those connected with the review fear that any internal department findings on the FBI's role might not be accepted by the public as thorough and impartial and believe that some independent investigation may be warranted. "The real issue is credibility," the source said.

The Civil Rights Division's review consists of reading through some 96 volumes of FBI files on King and a check of several new leads which have surfaced since the Civil Rights leader was slain.

It will not be completed until early February, at which time the division's top officials will decide whether to recommend to Atty. Gen. Edward H. Levi that an independent examination be established.

Church said the FBI was not capable of investigating itself, making it necessary to have "an independent prosecutor just as we had to go after Mr. Nixon in the Watergate days." Church made his remarks at a private luncheon meeting of Chicago reporters and in a morning speech at a meeting of Operation Push, a community organization run by the Rev. Jesse Jackson.

At this point, the Justice officials lean toward some form of special prosecutive staff having power to take witnesses before a grand jury. However, they are concerned that such a mechanism might be questionable legally because there is no suspect who could be prosecuted.

James Earle Ray, an escaped prisoner from the Missouri Penitentiary, pleaded guilty in March 1969, to a charge that he killed King with a rifle, but he refused to concede that he acted alone. He has since repudiated his confession and contended that he was framed by a conspiratorial group whose members he has not identified. His bid to withdraw the guilty plea and win a trial in court has been denied by a federal district judge. Ray, now serving a 99-year sentence, is appealing that decision.

The Civil Rights Division review of the case was prompted by recent revelations that the FBI for many years had placed King under surveillance and on occasion had harassed him and his associates. The Justice source said that, so far, the review has not found evidence to implicate the FBI in the assassination, directly or indirectly.

The chief of the Civil Rights Division, J. Stanley Pottinger, said that one alleged link between the FBI and the assassination has now been discounted.

It concerned a proposal, discovered in FBI files by Senate investigators, to embarrass King in the media because he was staying in a white-owned motel in Memphis shortly before he was shot. The FBI memo proposed depicting King as a "hypocrite" for living in a white motel while he was urging his black followers in Memphis to boycott white merchants as part of their support for the sanitation workers' strike King was leading.

The FBI memo was designed to suggest that King should have stayed in the Lorraine Motel, which was frequented mostly by blacks. King moved from the white motel to the Lorraine, where he was shot while standing on a balcony on April 4. Investigators have attempted to learn whether the FBI plan had anything to do with his movement to the motel

where he was slain.

Pottinger said there is no evidence that the FBI plan to embarrass King about his choice of motels ever was put into effect or, if it was, that it was responsible for his changing motels.

He said King's aides have told him that King customarily stayed at the black-owned Lorraine and that his moving into the other motel, a Holiday Inn, was almost accidental. They said, according to Pottinger, that King ended up in the Holiday Inn because it was the handiest place to which to flee when a riot broke out in the black section of Memphis. His later move back to the Lorraine, he said, was natural.

Pottinger also said two other leads suggested by King's associates have proved fruitless. One concerned an Atlanta man who has said he overheard a conversation about killing King a few days before the assassination took place. It was concluded that the man made up the story, Pottinger said.

In a second case, one of Pottinger's assistants flew to Calgary, Canada, to interview a man who once had contended he was offered $200,000 to take part in a conspiracy to kill King. The man had told one of Ray's attorneys that he played his role in the killing but did not receive the money. He had offered to reveal his conspirators' names for a fee. Pottinger said an investigation concluded that he was trying to obtain money through a phony story.